

## CHAPTER 143. ICE CREAM VENDORS

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### 143. ICE CREAM VENDORS

143.01. Definitions. As used in this ordinances, the following terms shall have the meaning ascribed to them:

(a.) "Ice cream vending vehicle" means every motor vehicle in which ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for the purposes of selling at retail sale on the city streets.

(b) "Vend" or "vending" means offering ice cream, popsicles, ice sherbets or frozen desserts for sale from a motor vehicle on the city streets.

(c) Operator includes any person, firm or corporation who owns, leases, contracts or in any other fashion permits a person to operate upon the city streets any ice cream vending vehicle for the purpose of vending, or the person driving or operating any such vehicle.

143.02. License Required. Subdivision I. No operator shall vend from an ice cream vending vehicle while on the public streets of the City unless a license to do so is obtained from the City. The fee for an annual license shall be \$150.00, and shall entitle the operator to vend from one such vehicle for the period of April 1, to March 31 of the following year. For each additional individual vehicle utilized by an operator, an additional license fee in the amount of \$50.00 shall be paid. Applicants must include a copy of their Retail Mobile Food Handler license issued by the Minnesota Department of Agriculture with their applications.  
(3940, 10/5/09)

Subd. 2. The city clerk shall issue an identification tag for each vehicle licensed hereunder which shall be displayed by the operator on the left rear portion of the vehicle.

143.03. Insurance. (a) No license shall be issued hereunder to an operator unless a certificate is furnished to the city showing that the operator is carrying the following minimum amounts of insurance: public liability insurance in the amount of not less than \$300,000 for personal injury or death, resulting from any one occurrence and on account of any one accident; property damage insurance in an amount of not less than twenty-five thousand dollars for damages on account of any one accident or occurrence.

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(b) A certificate shall contain an acknowledgement signed by the insurer that prior to modification, cancellation or termination of the subject policy, written notice shall be sent to the city clerk by said insurance company.

143.04. Equipment Required for an Ice Cream Vending Vehicle. In addition to other equipment required by law, every such vehicle shall be equipped with:

A. Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. These lamps shall be of a size approved by the Rochester Police Department. These lamps shall display two alternately flashing yellow lights on the front and two alternately flashing yellow lights on the rear of the vehicle. Both lights must be visible at five hundred feet in normal sunlight upon a straight level street;

B. A convex mirror mounted on the front so the operator in his normal seating position can see the area in front of the vehicle obscured by the hood; and,

C. An audible alarm which is activated when the vehicle is in motion backwards.

(3865, 5/5/08)

143.05. Use of Special Lights. The operator of an ice cream vending vehicle while stopped on a street for the purpose of vending shall actuate the special flashing lights required by section 143.04 of this code. The lights shall not be used when the vehicle is in motion nor at any time the vehicle is stopped for a purpose other than vending.

143.06. Inspection. Subdivision 1. Prior to the initial use and operation of an ice cream vending vehicle, said vehicle shall be thoroughly examined and inspected by a certified mechanic and found to comply with all standards of safety prescribed by the laws of the state or the City. An inspection report showing that a vehicle has met the standards of safety prescribed by law must be presented to the city clerk at the time of license application.

Subd. 2. Every vehicle licensed pursuant to this chapter shall be inspected from time to time and at least annually by a certified mechanic to insure the continued maintenance of safe operating conditions. The operation of any vehicle which fails to meet the standards of safety established by laws shall be discontinued until such time as the deficiency is eliminated.

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Subd. 3. In addition, said vehicle shall be inspected by the County Health officer if the vendor intends to sell other than pre-packaged ice cream products.  
(3940, 10/5/09)

143.07. Training of Operators. An applicant for a license shall provide a description with his application for license of any operator training program, including documentary material used in said program.

143.08. Restrictions on Vending Activity. (a) An operator shall vend only when the ice cream vending vehicle is lawfully stopped.

(b) An operator shall vend only from the side of the vehicle away from moving traffic and as near as possible to the curb or side of the street.

(c) An operator shall not vend to any person standing in the roadway.

(d) An operator shall not stop on the left side of a one-way street to vend.

(e) The operator of any ice cream vending vehicle which traverses the streets of the city for the purpose of vending shall submit to the city engineer of the city prior to April 1 of each year hereafter a detailed listing of the streets on which vending is planned to occur. The City engineer shall approve or disapprove of the use of any such street or streets for that purpose within thirty days thereafter. In making said determination, the city engineer shall take into consideration factors such as the classification of the street, the amount and character of the traffic carried thereon, and any special hazards to the public which may be created by permitting vending activity thereon. A street not approved by the city engineer shall not be utilized by said operator for vending.

(f) An operator shall not vend on a street within or immediately adjacent to any park or public facility maintained by the department of park and recreation, nor in the central business district of the city.

(g) No vending activity shall occur between the hours of 8:00 p.m. and 8:00 a.m. the day following.

(h) An operator shall not vend in a single location for a period to exceed 15 minutes. For purposes of this subsection, a single location shall be deemed to be a place 500 feet or more from the last sale.

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143.09. Sound Amplification Devices. No operator while vending shall use a sound amplification device, bell or horn which is audible for a distance of more than 500 feet from the vehicle. No such device shall be used within 500 feet of any church or place of worship, hospital, or courthouse.

143.10. Backing of Ice Cream Vending Vehicle Restricted. The operator of an ice cream vending vehicle shall not back the same to make or attempt a sale.

143.11. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(2551, 5/19/87; 3865, 5/5/08; 3940, 10/5/09)